The Mahabodhi Mahavihara
– a real story

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This booklet is entirely based on historical and archaeological evidence, the sources of which are various historical and archaeological texts and government documents.

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ABOUT THE AUTHOR

Atul Murlidhar Bhosekar is a distinguished scholar and educator with a rare interdisciplinary background that bridges the sciences and the humanities. Holding a B.Sc. in Physics with a specialization in Vacuum Technology and an M.A. in Buddhist Studies from Savitribai Phule Pune University—where he earned a Gold Medal—he has devoted more than two decades to the study and revival of ancient Indian knowledge systems, Buddhist heritage, and classical Indic languages. A passionate advocate for cultural preservation, Mr. Bhosekar has been conducting Pali language courses for 17 years and offering immersive, on-site workshops on the Buddhist caves of Maharashtra for over 20 years.

He has led national and international initiatives, including the pathbreaking "International Conference on Secular Ethics" inaugurated by His Holiness the Dalai Lama in 2015, and has pioneered diploma programs and textbook contributions to expand access to Buddhist archaeology and Dhammalipi studies. His meticulous research has unearthed original names of Buddhist cave complexes and offered new insights into Emperor Ashoka's inscriptions, notably proposing Dhammalipi as the original term for what is commonly known as the Brahmi script.

His transliterations of ancient manuscripts in Newari and Sharda scripts, along with his lectures on figures like Dr. Babasaheb Ambedkar and Kabir, reflect a life immersed in interdisciplinary inquiry. Mr. Bhosekar is the author and editor of several influential works, including *Trirashmi Buddha Leni* (Marathi), Nashik Trirashmi Caves, *Dharani Sangraha* (Seventh century text translitration), *Mahaparinirvan Yatri* (Marathi and Hindi), *Mahabodhi Mahavihar Ka Sangharsh* (Hindi and Marathi), *Sinsappachi Pane* (Marathi) and published Iyam Dhammalipi (Hindi).

He is the Founder-President of Bouddha Sahitya Prasarak Mandal and Director of the Trirashmi Research Institute of Buddhism, Indic Languages & Scripts (TRIBILS).

His contributions have been recognized both nationally and internationally, including citations from institutions in Australia and the Middle East and inclusion in the Limca Book of Records for teaching Dhammalipi to 2,500 students in India.

PREFACE

Friends,

The Mahabodhi Mahavihara is the only place in the world where a remarkable great person, Lord Buddha, attained enlightenment after hard work. It is a sacred site for all Buddhists and scholars inspired by Buddhist thoughts. "The Mahabodhi Mahavihara – a real story" is a brief booklet that tells the history and archaeological evidence of the Mahabodhi Mahavihara in Bodhgaya, along with its story of struggle. This struggle is not just 10-20 years old; it has been a demand for judicial rights for a whole 132 years. This struggle is one of its kind in the world where one religion, Buddhism is demanding for it lawful right over a sacred place that is illegally occupied by another religion.

Following the path of peace given by our scriptures and respecting the Indian Constitution, our struggle continues. It is essential to have complete knowledge about the place we are fighting for, and that is why this booklet has been written.

As far back as 250 BCE, during the time of Emperor Asoka, many great kings from various countries esteemed this sacred site with great respect and dignity. Every sculpture and inscription in this Mahavihara attests to this. I know that the history of such a great sacred site cannot be contained in such a small booklet. Rather, I believe that this booklet can be sufficient to understand the rise, promotion, and struggle of this great site.

In the committee formed for the regulation of every religious site in the world, no person of another religion can be included. And it is necessary because we will work wholeheartedly on that which we have faith in. However, by reading this booklet, you will understand how individuals of one religion are trying to take over the site of another religion. This is completely injustice towards Buddhists under the Indian Constitution.

The sole purpose of this booklet is to inspire you for the people's movement at Mahabodhi Mahavihara. If you are a Buddhist in thought and deed or have respect for the Buddha, you will surely join this people's movement.

Metta,

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THE MAHABODHI MAHAVIHARA

Circa 250 BCE

In the Mahaparinibbanna Sutta, the Buddha tells Anand, "There are four places, Ananda, that a pious person should visit and look upon with feelings of reverence. What are the four? Here the Tathagata was born (Lumbini). Here the Tathagata became fully enlightened in unsurpassed, supreme Enlightenment (Bodhgaya). Here the Tathagata set rolling the unexcelled Wheel of the Dhamma (Sarnath). Here the Tathagata passed away into the state of Nibbana in which no element of clinging remains (Kushinara)! These, Ananda, are the places that a pious person should visit and look upon with feelings of reverence."

Buddhagaya or Bodhgaya is an important and one of the holiest places for Buddhists the world over. It is at this place that Siddhartha attained enlightened and proclaimed the Four Noble Truths through the Eight-Fold path leading to Nibbana.

During the Buddha's time, Bodhgaya was known as Uruvela and situated on the sandy banks of Neranjana river, now known as Falgu. Around circa 250 BCE, Emperor Asoka visited this place during his 11th year of reign and paid homage to the site. He donated 1,00,000 gold coins for building a vihara in memory of the Buddha's enlightenment. He also built a 10 feet high wall around the Bodhi tree under which Siddhartha meditated and became the Buddha. During Asoka's period, this place was known as Sambodhi or Mahabodhi meaning enlightenment. The present name of the place, Bodhgaya came into use around 18th century. Asoka also located the exact place where the Buddha attained enlightenment and placed a solid marble table endowed with floral designs and carved figures. The Buddha had spent the next 7 weeks meditating at various places. Asoka discovered these places, based on the Pali Tripitaka and created stupas or chaitygruhas in remembrance of those weeks. The Buddha had spent one week meditating in the vicinity of the Bodhi tree. Asoka, recreated the cloistered walk marking the footsteps of the Buddha with engraved pillar bases. These works of Asoka are mentioned in his 8th major rock edict as well as carved on the toranas (entrance gate) of Sanchi stupa 1 and the stupa railings of Bharhut.

In 1863, Sir Alexander Cunningham asked Major Meade to carry out excavation at Bodhgaya. During his excavation, Meade discovered various structures, carved wooden pillars, stone railings, inscriptions and sculptures. In 1880, Sir Ashley Eden, the Lt. Governor of Bengal appointed Mr. J. D. Beglar to carry out repairs of the whole vihara that Asoka had built. During excavation a number of antiquities were found which signify the work repairs carried out for the Mahabodhi Mahavihara during the earlier period. These inscriptions shed light on the history of the Mahavihara from the earliest period till the 16th century.

As per the inscription of Bodhirakshita found here, the earliest international visitor was a Sinhalese monk, Culla Tissa, who visited the Mahavihara in 100 BCE. At the base of the vajrasana as well on top of it, gold and silver punched coins and some precious stone jewelry was found belonging to the Indo-Scythian King Huvishka (Kanishka's son, 140 CE,). An inscription at the base of vajrasana confirms this.

Fa Hien had twice visited the Mahabodhi Mahavihara between 399 – 409 CE, and has given a detailed description of the vihara. He was the first Chinese monk to reach the land of the Buddha. In the first half of 4th century CE, Srilankan King Meghavan's brother had visited the Mahavihara. However, he did not find a proper place to stay here. Having informed his brother, King Meghavan took permission from the local king of Bodhgaya and built the Mahabodhi Monastery on the northern side of the Mahavihara. The entrance of this monastery bore a copper plaque stating "To help all without any discrimination, is the highest teaching of all the Buddhas". This monastery went on to become one of the finest monastic universities in ancient period, similar to Nalanda and Vikramshila.

Hiuen Tsang (Xuanzang) who visited Bodhgaya has described the Mahabodhi Mahavihara in all its grandeur. The Mahabodhi Monastery, as described by Hiuen Tsang, was surrounded by a 30-40 feet wall, had six large viharas and a three-storey watchtower. All the viharas were adorned with gold, silver and precious stone statues of the Buddha. The complex also had tall stupas containing the relics of the Buddha. During his visit, Hiuen Tsang found 1000 monks residing in the monastery. One of the finest scholars of Buddhism, Acharya Buddhagosha had stayed in this monastery and written his famous works, Atthasalini and Dnyanodaya, before leaving for Srilanka. Other great scholar monks associated with this monastery were Chin-hung, Hsuan-chao, Ratnavajra and Dharmapala (author of Madhyamakachatusatika).

King Silakala of Srilanka who reigned from 518-531 CE, had spent his youth as novice monk in this monastery.

In the 19th century, Sir Alexander Cunningham who had ordered excavation of Bodhgaya, found the remains of this great monastery and notes that the Mahabodhi Monastery was 2000 feet in length and 1000 feet in width with massive watchtowers on all four sides. The walls of the monastery were 9 feet in thickness. Later on, due to religious and political reasons, this Monastery faded into oblivion. The remains of this great Monastery can still be seen today.

Circa 6th – 16th CE

Around 600 CE, King Shashank, an opponent of Buddhism, had ordered the Bodhi tree to be cut down. He also ordered the statue of the Buddha placed inside the Mahavihara to be broken down. However, King Purnavarman of the adjoining kingdom used his diplomacy and strategically saved the Mahabodhi Mahavihara and the Mahabodhi tree. He then went on to built a 24-feet high wall around the Mahabodhi tree. He also protected the Vajrasana.

Around 637 CE, Hiuen Tsang visited the Mahabodhi Mahavihara. He mentions of a pavilion built in stone and wood infront of the Mahabodhi Mahavihara which was donated by King Sado of Burma. He also mentions of the great flood of Neranjana (Falgu) river that caused massive sand deposition of nearly 2½ feet in the Mahavihara complex. Hiuen Tsang mentions that due to heavy flood, the Mahabodhi premise was covered with sand and it was difficult to locate even the Vajrasana. He mentions that the Mahabodhi Mahavihara was 170 ft high made of brick coated with gleaming blue-colored plaster. There were niches on the outer walls of the Mahavihara, each containing a gilded statue of the Buddha. On the eastern side of the Mahavihara was a three-storeyed pavilion with gold and silver inlay decorated with pearls and precious stones. On either side of main entrance were 10 ft tall statues of Avalokiteshwara and Maitreya Buddhas made of silver. Hiuen Tsang mentions that the Bodhi tree was surrounded by a 20 feet protective wall built by King Punarvarman.

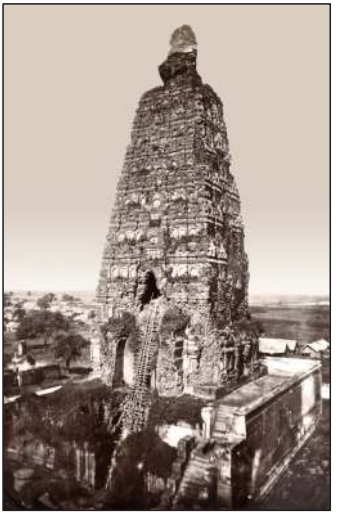
Apart from building the Mahabodhi Mahavihara and building various stupas marking the Buddha's 7-weeks stay after attaining enlightenment, Asoka also built monuments marking Sujata's house, conversion of Kassapa brothers and the Matiposaka jataka. These monuments existed till the 18th century. Later on, the stupas were pulled down by the villagers to use the bricks to build their houses.

The Mahabodhi Mahavihara required continuous maintenance and renovation and conservation work was carried out by various unnamed donors who wrote inscriptions about their donations on the railings surrounding the Mahavihara and the Bodhi tree. One unknown patron had donated 250 dinars (gold coin during the Gupta period) for repairs. Another donated 300 cows so that ghee can be produced from their milk and use it to light the lamps in the Mahabodhi Mahavihara complex.

In the 7th century, I Tsing visited Bodhgaya and mentions that the nearby village agriculture produce was donated to the monks of Mahabodhi Mahavihara. Till 10th century, Buddhist

Emperor Asoka's Vajrasana Carved in Sandstone, 250 BCE

King Huvishka, son of King Kanishka, had offered gold, silver, and jewels.



Restoration of the Mahabodhi Mahavihara, 1880

Mahabodhi Mahavihara Prior to the Restoration

monks from Srilanka, China and Tibet were continuously coming to visit Bodhagaya and pay respects to the Mahabodhi Mahavihara and the Bodhi tree. As per the records, in 964 CE, nearly 300 Chinese monks travelled to visit the Mahabodhi Mahavihara. The Chinese Emperor Tai Tsung (976-997 CE) had donated a stupa to be erected under the Bodhi tree.

There is a staircase leading to the first floor on the northern side of the Mahavihara. There was a huge statue of the Buddha flanked by statues of Avalokiteshwara and Maitreya on either side. The three inscriptions at the bottom of the statue mentions that these were donated by a monk named Viryendra who hailed from Bengal. The epigraphy style suggests that this donation would have been during the 10th century. Between 1035 to 1079 CE, the Burmese king had conducted extensive repairs of the Mahabodhi Mahavihara. The earliest Chinese inscription belongs to the 10th century and is seen on a stone slab. It also has seven images of the Buddha. This stone is at present displayed in the Indian Museum, New Delhi.

Stone Slab displayed at Indian Museum, New Delhi

In 1011 CE, Dipankara Srijana famously known as Atisa, one of the greatest masters in Buddhism, was ordained as a monk in Mahabodhi Monastery. He studied the Vinaya (rules for monks) for two years under a great monk named Silarakshita of the Mahabodhi Mahavihara. After his studies, he left for Sumitra Island and stayed there for 12 years preaching the Dhamma. Later on he returned to Bodhgaya.

In the 11th century CE, the Mahabodhi Mahavihara required further maintenance. King Kyanzittha of Pagan, Burma (1084-1113 CE) sent shiploads of jewels, gold and other precious stones as donation. An inscription dated 11th century CE records this donation.

Around 1230 CE, King Ashokvalla of Sivalik Hills (present day Nepal) as per the advice of his teachers, Pandit Mushala and Pandit Chattopadi, built a monastery at Bodhgaya. In the same year, King Purushottamsingha of Kama, built a monastery in remembrance of his grandson. The construction of this monastery was supervised by monk Dharmarakshita. An inscription stating the above facts was discovered by Sir Alexander Cunningham during the excavation.

It is widely believed that the Mahabodhi Mahavihara and adjoining monasteries were destroyed by the Muslim invasion in 1199; however, there is no evidence to support this. On the contrary, when Dharmaswamin, a Tibetan monk visited Bodhgaya in 1234 CE, he found 300 Srilankan monks studying at the Mahabodhi monastery. There is no doubt that the Mahabodhi Mahavihara and the nearby monasteries endured two attacks by the Muslim invaders, but it was not on a massive level and as per records, the monks had continued with their studies without much disturbances.

An inscription dated 1262, confirms donation for repairs by the Srilankan King Jayasena who also donated a land to monk Mangalswamin. In 1298, King Dharmasena of Burma arranged for repairs of the Mahabodhi Mahavihara. In 1471, King Dhammachetiya of Burma sent monks and masons along with artists for restoration work. He also made offerings to the Bodhi tree.

In the 16th century, Buddhagupta visited Bodhgaya. He was the last Indian monk to visit it. Around the same time, Sri Lankan monk Dharmadivakara visited the Mahabodhi Mahavihara.

Wat Yansangwararam, Thailand

Buddhists from various countries desired to visit Bodhgaya; however due to lack of resources and the unfavorable environment amidst Muslim rule and invasion, they could not do so. To overcome this situation, the kings of various countries decided to replicate the Mahabodhi Mahavihara complex in their own country so that it became convenient for their people to pay respect to the Mahabodhi Mahavihara.

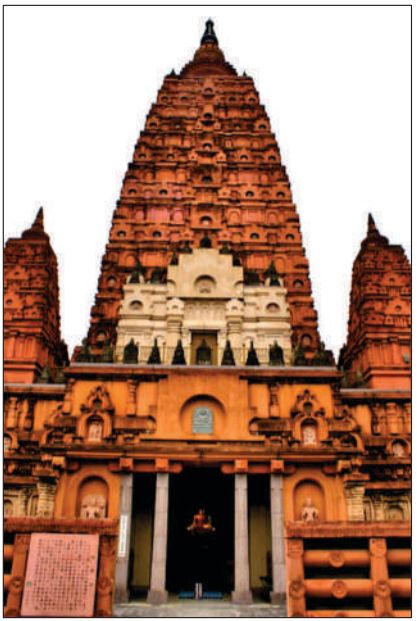
King Kyanzittha sent a special contingent of architects, masons and monks to draw out plans of the Mahabodhi Mahavihara and built the same structure at Pagan. In 1452, a stupa in the form of Mahabodhi Mahavihara was built in Tibet to enshrine the remains of a famous Lama. In 1472, King Dhammachetiya of Pegu sent a contingent of craftsman to copy the plans of the Mahabodhi and erected a magnificent vihara called Shewgugyi in Pegu. In 1448, King Tilokaraja of Thailand built the Mahabodharma and Wat Jet Yot based on the drawing of Mahabodhi Mahavihara. He recreated the entire complex of Mahabodhi Mahavihara with the Bodhi tree that was grown from the original sapling of the Bodhi tree planted at Anuradhapura, Sri Lanka. Another replica of the Mahabodhi Mahavihara was erected in the Chiang Rai region of Thailand between the 16th – 18th century CE.

In the 16th century, a Nepalese layman visited Bodhgaya and prepared plans of it. On his return to Nepal, he built the replica of Mahabodhi Mahavihara in Patan that was heavily damaged during the 1934 earthquake. This was rebuilt again on the same spot.

In 1748, the Chinese built a first vihara Wu Ta Szu outside of Peking. During this time, the Mahobodhi Mahavihara had very few monks left and even the visitors, both domestic and international nearly came to halt. The political situation in the country was also the main reason for reduced traffic to the Mahabodhi Mahavihara.

Mandalay, Mayanmar

Vajrasan, China



Replica of Mahabodhi Mahavihara, Japan

Patan, Nepal

Aung Myay, Mayanmar

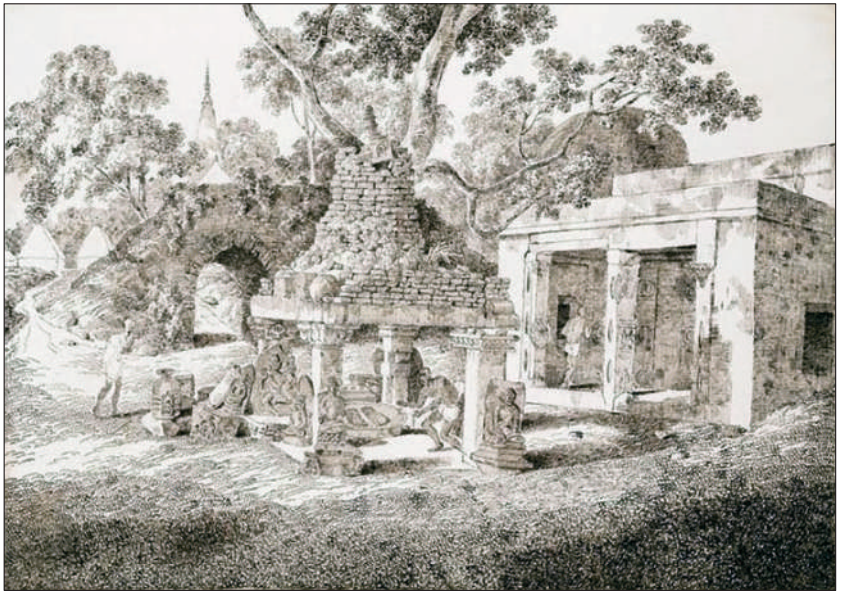
Buddha Gaya, Naypyitaw

Wattham Replica, Thailand

Wutasi, Mongolia

King Meghavana's Inscription

Bilingual Inscription Slab



Idols found at the Buchanan excavation which are at present in the Panch Pandav Temple

17TH CENTURY ONWARDS

During the second half of the 17th century, a wandering Shaivite ascetic named Gosavi Ghamand Giri settled near the Mahabodhi Mahavihara. Slowly and steadily over the years, his disciples started increasing and the Mahant (by now he had started calling himself thus) started taking control of the nearby Buddhist monasteries around the Mahabodhi Mahavihara. He built his ashram in the vicinity of the Mahavihara with the stones by digging the nearby stupas. He used the pillars of the nearby monasteries for building his ashram columns. The Mahabodhi Mahavihara had numerous statues of the Buddha and the Bodhisattvas. The Mahant carried some of these statues to his ashram converting them into some goddesses and started conducting pujas. The deification process of the Buddha and Bodhisattva images had started!

Mahant's Disciples Near Asoka's Railings, Photographed by James Chichley, 1903

Over a period of time, the Mahant had become more powerful and wealthy with large number of followers. He started treating the Mahavihara as his personal property. Due to lack of maintenance and regular repairs, the Mahavihara became dilapidated. The Mahant had started worshipping the images of the Buddha and Bodhisattvas as Hindu gods.

In 1790, the British administration invited various British artists, surveyors, travelers, historians and amateur archaeologists to visit Bodhgaya and present it in their own art. Amongst them were the famous artist brothers, William and Thomas Daniell who made good sketches of the Mahabodhi Mahavihara. These sketches are available in the archives and one can see the state of the Mahabodhi Mahavihara during that period.

In 1810, the British government invited Francis Buchanan to conduct a survey of Bihar and Bodhgaya. Between 1811-12, Buchanan conducted extensive survey of Bihar and Bodhgaya. He has detailed everything as surveyed; but his description was far away from the magnificent structure as described by Hiuen Tsang in 637 CE. The Mahabodhi Mahavihara was robbed of all its intricately carved images, stones, arches and gold and silver engraved wooden interiors. What Buchanan saw was a crumbling ruin that was pulled down by the

Mahant and locals to build their own dwellings. Buchanan mentions of various shrines (small viharas) erected around the Mahavihara earlier that were demolished to provide bricks for the Mahant's ashram. The carved pillars were removed to build the nearby "panch pandav mandir" by the Mahant. Even the stone depicting the Buddha's footprints, known as Buddhapada was removed and installed at the mandir as "vishnupada". It can still be seen at present. This can be confirmed by pictorial records of the Mahabodhi Mahavihara taken by James Chichley, James Crockett, both army officers and Sir Charles D'Oyly during their visit in 1790.

In 1847, Captain Markham Kittoe carried out the first archaeological investigation and he unearthed the famous Asoka railings in the ruins. Many images were also found; some were kept near the Mahabodhi Mahavihara and many were carried to the various museums across the country.

In 1861, Sir Alexander Cunningham directed Major Mead to excavate Bodhgaya. There was much rubble accumulated around the Mahavihara. The entire complex was water clogged due to rains.

In 1867 when Sir Richard Temple visited Bodhgaya, he saw statues of the Buddha and Bodhisattva scattered over wide area and some even put to mundane use (as corner stone, as stool under a tress, etc.).

In 1886, Sir Edwin Arnold visited Bodhgaya and was shocked to see the dilapidated structure and Buddha images scattered across. He decided to discuss this with Srilankan Buddhists about reviving the Mahabodhi Mahavihara.

Asoka Railings

Mahavihara Slabs Used for Local Houses

Buddhapada, as Found by Buchanan

THE MOVEMENT BEGINS

In 1891, a young Buddhist, Anagarik Dhammapala who had renounced his family to propagate Buddhism, came on a visit to Bodhgaya along with his friend, a Japanese monk named Kozen Gunaratna. While travelling from Gaya to Bodhgaya, Dhammapala saw various beheaded Buddha images scattered in farms and roadside. At Bodhgaya, he was

Dhammapala taking a Vow in Front of Vajrasana, 1891

further shocked to see the Mahavihara in ruins. Further still, he noticed various mutilated images of the Buddha and Boddhisattvas carelessly thrown around. Some villagers were using the Buddha image as weight to draw water from the well. Carved stones of the Mahavihara were used as steps for the Mahant's disciples' houses as decorative pieces. Many of the Buddha images were plastered on the walls of the village houses. A beautiful 3 feet Buddha image was thrown in the rubbish near the Mahant's ashram. This pathetic state moved Dhammapala. He went to the Mahavihara to pay homage to the Buddha image, but learnt that the Mahant would not allow anyone to worship the Buddha image. Anagarik Dhammapala bowed in front of the Vajrasana and vowed that he would not rest till the Mahabodhi Mahavihara is restored to it's full glory.

On 25th February 1891, Dhammapala went to the Mahavihara with a highly prized possession. His Japanese friend had sent him a 700-year old wooden Buddha image to be placed in the Mahavihara. Dhammapala kept the image in the altar, offered flowers and incense and after bowing sat down to pray. Suddenly he was surrounded by Mahant's disciples. They forcefully removed the wooden Buddha image and threw it on the floor. Dhammapala explained them the importance of the wooden statue but they were in no mood to listen. They literally forced Dhammapala out of the Mahavihara. Later on these men were identified as Mahendra Giri, Bhimaldev Giri, Jaipal Giri and Vijayananda and

Buddha Image Plastered in the Mahant's Ashram

Buddha Image and Stupa in the Verhanda of Mahan's Ashram

others. Dhammapala later on saw this image kept in verandah of the panch pandav mandir. On the same day, Dhammapala filed a police complaint against the Mahant's disciples but no action was taken.

From 1891, Anagarik Dhammapala visited the Mahavihara several times. In between he was also touring various countries giving lectures on Buddhism and creating awareness on the Mahabodhi Mahavihara. During his visits to the Mahavihara, he had met the Mahant and asked him to vacate the Mahavihara complex explaining its historical importance. The Mahant ignored his requests and suggested that Dhammapala should restrict himself only for worshipping in the Mahavihara and not interfere in the Mahant's activities. Dhammapala even offered to pay the Mahant whatever amount he asked for, but the Mahant declined. Dhammapala realized that freeing the Mahabodhi Mahavihara from the clutches of the Mahant was not easy and he needed to fight a legal battle. A legally formed trust was needed

Mahavihara Decorative Slab Plastered in the Mahant's Ashram

Buddha Image in the Ashram

Wooden Buddha Image

Buddhist Images Plastered in the Verhandha of the Ashram

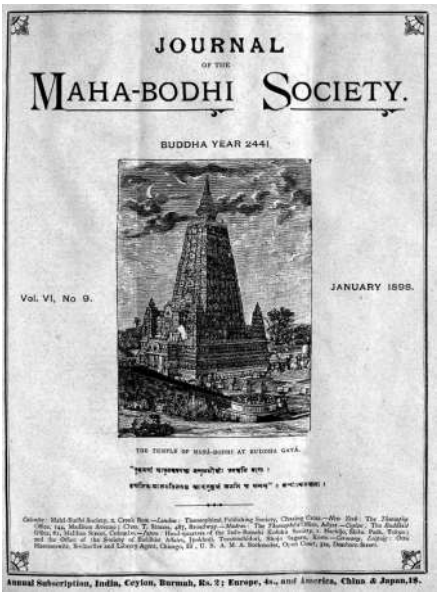
Bodhisattva Idols Behind the Mahant's Seat

Buddha's Image Plastered wall of the Ashram

and so The Mahabodhi Society was registered in Srilanka on 31st May 1891 with a branch in Bodhgaya. Anagarik Dhammapala was 27 years old.

Dhammapala continued appealing to the British Government on Bodhgaya and soliciting their support. In 1895, Sir Ashley Eden, the Lt. Governor General of Bengal visited Bodhgaya to appraise the situation. On knowing about his visit, the Mahant had asked his disciples to do "pindadaan" (a Hindu religious ritual of offering food to appease the souls of deceased ancestors) at the Bodhi tree. While meeting Sir Ashley Eden, the Mahant informed him that Mahabodhi Mahavihara was a Hindu temple. To prove this, he pointed at the rituals carried out at the Bodhi tree. Sir Ashley Eden already knew about the Mahabodhi Mahavihara so he did not pay any heed to whatever the Mahant said. Sir Charles Elliot wrote an article on this visit which was published in the Mahabodhi Society Journal, Jan 1895.

A few days later, some Buddhist monks were offering their prayers to the Bodhi tree in the evening. The Mahant's men forced them to stop the prayers and starting beating them with sticks. The monks immediately rushed to the nearby Burma Guest House. Minutes later, the Mahant's men came there and started abusing and beating the monks. Many of the monks were seriously injured and one monk was required to be hospitalized. Anagarik Dhammapala lodged a complaint with Gaya Police. The station diary notes that the floor of Burma Guest House was stained with blood. Dhammapala wrote about this incidence in various newspapers across the world.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BUDDHA YEAR 2441
Vol. VI, No 9.
JANUARY 1898.
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On 25th February 1895, Dhammapala was attacked by the Mahant's men. For four years he was requesting, pleading or even offering to pay to the Mahant to vacate the Mahabodhi Mahavihara. The Mahant was arrogant and his atrocity increased. It was then that Anagarik Dhammapala registered a petition with the Gaya District Magistrate, D. J. Macpherson. Dhammapala was 31 years old. He sworn in front of the Magistrate that when he had arrived from his tour, he found the main image of the Buddha was draped in orange color cloth, a red color paint was applied on its forehead and flowers on the head. A pujari was appointed to do aarti (chanting) along with bell in one hand. This defilement of the Buddha image had hurt Dhammapala. The atrocity of the Mahant and his disciples was also increasing day by day. Dhammapala also mentioned that in the coming years, the Mahant would have planned for complete encroachment of the Mahavihara and hence he had filed the petition. Looking into the seriousness of the issue, Macpherson started the hearing on 8th April 1895.

TRIALS AND TRIBULATIONS

The trial was long and many people were asked to testify. The case generated lot of interest and the result was much awaited. Some of the people who were testified by Macpherson are as follows:

Bipin Bihari Banerjee, Chief Security, Mahabodhi Mahavihar: I or any Hindu would never go inside the Mahavihara because my religion does not allow me to do so. When I returned from holidays, I saw the Buddha image was kept on floor and it was covered with ochre colored cloth. There was vermilion applied on the forehead and a Brahmin was performing an aarti. I had never seen such thing before I went on holidays.

Mahatali Sumangala, Srilankan Buddhist Monk: Dhammapala and myself had gone to the Mahavihara to offer our prayers. When we kept the Buddha image and started praying, some of Mahant's disciples argued with us and threatened us to leave the Mahavihara. They also snatched the Buddha image from Dhammapala's hands. We did not react but informed them that the image was invaluable since it was a gift sent by our friend from Japan and the Buddha image has to be respected. On hearing this, some men attacked Dhammapala.

Dr. Haridas Chatterjee, Medical Officer, Gaya: I had last visited the Mahavihara in 1873. Later on, I had visited it during its repairs. Only Buddhists from various places visit the Mahabodhi Mahavihara. They light candles, incense sticks, offer flowers and prayers. No Hindu visits this place.

Babu Durga Shankar Bhattacharya, Landlord: I have been to the Mahabodhi Mahavihara several times. Only Buddhist people go there and offer candles, flowers and rupees, gold as donations in front of the Buddha image. The King of Burma had donated gold, silver and precious stones as donation and the present Mahant has taken it in his own custody. His disciple had shown me the room where the Mahant keeps all these donations.

Pandit Gangadhar Shastri, Principal, District School, Gaya: The Mahabodhi Mahavihara belong to the Buddhists, not Hindus. I have also seen the Mahavihara but only from outside because my religion does not permit me to go there. If I step inside, I will have to take repentance.

After listening to the testimony of all those asked to, Mr. D. J. Macpherson in his 102-page judgement found Jaipal Giri, Mahendra Giri, Bimaldev Giri and two others guilty under IPC 295, 296 and 297 and ordered each of them a 1-month imprisonment and a fine of Rs.100/- per person.

This case had stirred lot of interest in public due to its nature. There was always huge crowd during hearings. The claim and counter-claims, testimonies proved that the Mahabodhi Mahavihara belonged to the Buddhists and confirmed that the Mahant had misappropriated the Mahavihara which was illegal and a crime. Anagarik Dhammapala was satisfied however this satisfaction did not last long.

The Mahant appealed to the High Court at Calcutta where the lower court judgement was dismissed. This was a greatest setback to Dhammapala but he did not lose heart. This setback made him think of this issue in a broader way.

RENEWED EFFORTS

After the Bodhgaya case, Dhammapala renewed his efforts in freeing Mahabodhi Mahavihara from the clutches of the Mahant. He started writing columns in newspapers, journals and his talks mostly centered on appealing people to support the Mahabodhi Mahavihara cause. He was also writing to the British authorities. When Lord Curzon became the Viceroy, he was presented with the petition to save the Bodhi tree and the Mahabodhi Mahavihara from the clutches of Mahant.

To get a first hand information, Lord Curzon visited Bodhgaya in 1903. The Mahant came to meet Lord Curzon and appealed that the Mahabodhi Mahavihara belonged to the Hindus. Lord Curzon asked him that being a Hindu, how does he worship the Buddha. Mahant replied that he considers Buddha as an avatar of Vishnu. Lord Curzon immediately pointed out that the Mahant is a devotee of Shiva. How can he be devotee of Vishnu? Mahant could not reply to this. Lord Curzon know that the Mahant was lying and wanted to appropriate the Mahavihara. However the situation was politically tense in that period and he didn't want to rush up to further create rift between Indians and British.

Anagarik Dhammapala thought of winning sympathy of liberal Hindus and the newly generated Indian National Congress. During the INC conference held at Gaya in 1922, The Mahabodhi Society distributed booklet on Mahabodhi Mahavihara explaining its historical importance and archaeological evidence. The booklet appealed to the readers to support the control of Mahabodhi Mahavihara with the Buddhists. In this conference, delegates from Burma (Burma was a part of British Administered India then) too pressed for a commission to be set up for freeing the Mahavihara. This topic was deeply discussed and a committee was setup with Dr. Rajendra Prasad as the head. One of the members of the committee was Swami Ramodar Das who later on became a Buddhist monk and became famous as Rahul Sankrityayan. The committee was supposed to find an amicable solution to this situation.

Dhammapala had appealed to Mahatma Gandhi on Mahavihara issue who said, "There is no second opinion that Mahabodhi Mahavihara should be handed over to the Buddhists. If animal sacrifice is conducted there, it is protested. If this place is worshipped as per Hindu religion, I further protest it."

Ravindranath Tagore too felt that the Mahabodhi Mahavihara should be handed over to the Buddhists. In his appeal he said, "I strongly believe that those who are real Hindus would believe that this place where the Buddha attained enlightenment, would never want to build a temple there or appropriate this place. These people who forcefully occupy the Mahavihara do not know what is Buddhism and are not aware of the Buddhists rights to worship this place."

In 1925, the committee decided to have a joint conference of INC and the All India Hindu Mahasabha (an influential but extreme right winged Hindu political organisation) and Dhammapala should address this conference. Accordingly, Dhammapala addressed the 4000 members of the Hindu Mahasabha. A resolution was passed in this conference stating that the Buddhists have sole rights to worship in the Mahavihara. It was also proposed to set up a committee consisting of Buddhists for management of the Mahavihara complex. The Mahant forcefully opposed this proposal and declined to hand over the Mahabodhi Mahavihara complex to the Buddhists.

Factually speaking, the Mahant was not that strong enough to oppose the Hindu Mahasabha and the INC; however, the silence of both INC and the Hindu Mahasabha on the Mahant's opposition speaks volumes.

Meanwhile in 1928, the Burmese MLA, U Tok Kyi introduced a bill to accommodate Buddhists from India, Srilanka and Burma for the management board of the Mahabodhi Mahavihara.

Decades of the Mahavihara conflict, unresponsiveness from every quarters for an amicable solution on the Mahavihara issue, travel and increasingly poor health had made Anagarik Dhammapala feel dejected. He bowed out of the Mahabodhi Mahavihara struggle, handing over the reins to his deputy, Devpriya Walisinha.

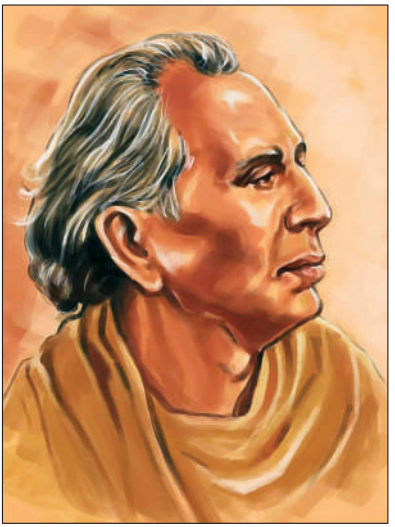
In 1933 Anagarik Dhammapal died a silent death. His dream of liberating the Mahabodhi Mahavihara from the clutches of Hindu Mahant remained unfulfilled. For 42 years he had single-handedly fought for the Mahabodhi Mahavihara, whether it was a legal battle or through discussions with political parties, religious outfits or even voicing through his lectures and columns. He was born as a Srilankan, but laid his life for the cause of liberating the Mahabodhi Mahavihara and handing it over to the Buddhists. His was a unique struggle in the annals of history as a man who led a lone fight for the Buddhists of the world.

The struggle that began in 1892 by Anagarik Dhammapala is still ongoing, 132 years later.

The place where Siddhartha attained enlightenment and became the Buddha is still not under the control of Buddhists at the Mahabodhi Mahavihara, which is a place of reverence for Buddhists worldwide.

A foreign youth, influenced by the thoughts of the Buddha, comes to India and vows to liberate the Mahabodhi Mahavihara from the grasp of the Mahant, and he struggles for a full 42 years until his last breath; this is a unique example in the world.

Your work would inspire everyone towards the liberation struggle of the Mahabodhi Mahavihara.



MOVEMENT POST DHAMMAPALA

After Dhammapala's death, his associates at the Mahabodhi Society continued the struggle of the Mahavihara with support from Buddhists of India and other Buddhist countries. Dhammapala's associates met with various liberal Hindu and other religious intellectuals who felt that the Mahabodhi Mahavihara should be handed over to the Buddhists.

In 1935 The Vishwa Hindu Parishad had arranged thei conference at Kanpur. U Ottam, a famous Burmese monk was invited to preside over this conference. Buddhist monks from India, Srilanka and Burma had attended the conference in huge numbers. They demanded worshipping rights as well as representation in the management committee of the Mahavihara. The proposal regarding this was unanimously accepted; however, the Hindu purohits (priests) voted against it.

Meanwhile a decision was taken by the Indian National Congress to set up additional committee to help the earlier committee set in 1922 under chairmanship of Dr. Rajendra Prasad. This additional committee was to liaison between various right-winged political outfits and Hindu religious organisations and the INC for an amicable solution.

On 6th March 1937, Dr. Rajendra Prasad presented a bill in the national conference of Indian National Congress. The bill proposed that the future elected Cabinet would implement this bill. The neighboring Buddhist countries too were pressing for early solution to the Mahavihara issue.

Immediately after Independence, The Mahabodhi Society arranged a joint conference of the Buddhists and Hindus at Patna. It was decided that under an administrator (Civil Service Officer) a committee should be formed of Buddhists and Hindus. The Mahant opposed this.

During this period, at an international conference of Asian nations, China, Tibet, Burma, and Sri Lanka appealed to the Indian Prime Minister, Mr. Jawaharlal Nehru, to resolve the issue. Mr. Nehru was also eager to find a solution, as he wanted India to maintain a respectable image among its neighboring countries.

After a long continuous struggle, a draft of Bodhgaya Temple Act was released in 1948 for suggestions from the public. This Act proposed that a committee would be appointed consisting of 4 Hindus and 4 Buddhists as members with the Gaya Collector as its President. This was ridiculous since by default, the committee would be having the Hindus as majority. Most annoying was the fact that the Mahabodhi Mahavihara complex was archaeologically and historically

Handing over of the Mahabodhi Mahavihara

proven to be a Buddhist place that was held in great reverence by Buddhists all over the world; yet the Hindus were going to have a majority share in the committee. Even then, the act was passed on 19th June 1949 as "The Bodhgaya Temple Act 1949"

The Mahant was reluctant to handover the complex to the Government and after much deliberations, the Mahant handed over the complex to the new committee on the Vaishakh Pournima, 28th May 1953.

In 1966 an extensive plan was decided for development of Bodhgaya in which an area of nearly 300 acres (approx. 121 hectares) was to be excavated. A sum of Rs. 17.00 lakhs was also allotted for this purpose. Yet for unknown reasons, this was never materialized.

The Buddhists from India as well as from abroad were disappointed by the BTA 1949 and had voiced their opinion. Some of them were writing to various political parties and decision makers to abolish this Act.

In 1991, Mr. Laloo Singh Yadav was elected as Chief Minister of Bihar. He was aware of the BTA and had sympathized with the Buddhists demands.

In 1992, Mr. Laloo Singh Yadav wanted to abolish the BTA 1949 and introduce "The Bodhgaya Mahabodhi Act" that proposed to have a committee consisting of only Buddhists and that this committee would have control of the entire Mahabodhi Mahavihara complex. This revised Act was severely criticized and opposed by the BJP who joined hands with the Hindu extremists stating that it was an attack on their Hindu identity.

This absurdity of the BJP created strong political currents and Bodhgaya, a place associated with enlightenment and peace turned into a political turmoil.

Logically speaking, no worship place of any religion in the world is governed by people of other religion, yet the irony is that Bodhgaya being a Buddhist worship place is controlled and managed by the Hindus.

In June 2002, the World Heritage Committee of UNESCO declared the Mahabodhi Mahavihara as World Heritage Site. In a justifying note, UNESCO says, "The Mahabodhi Temple Complex is one of four holy sites related to the life of the Lord Buddha, and particularly to the attainment of Enlightenment. The first temple was built by Emperor Ashoka in the 3rd century B.C., and the present temple dates from 5th or 6th century. It is one of the earliest Buddhist temples built entirely in brick, still standing in India, from the late Gupta Period"

From 1992 onwards Buddhist monks Arya Nagarjun Surai Sasai and Anand Mahathero started a peaceful protest for liberation of Mahabodhi Mahavihara under the aegis of "All India Mahabodhi Mahavihar Committee". This protest was supported by Buddhists from various countries however the Centre and State leadership paid no heed.

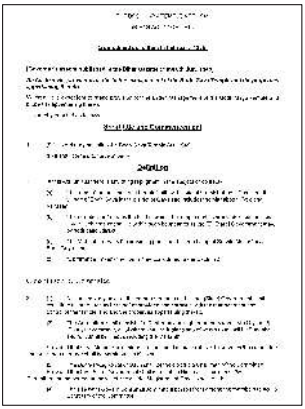
In July 2002, Bhante Pragyasheel appealed to the United Nations High Commissioner for Human Rights, Mary Robinson demanding that the Mahabodhi Mahavihara be handed over to the Buddhists.

On 30th March 2005, The National Commission for Minorities stated, "The provisions of the BGT Act 1949 are not in harmony with the fundamental right enshrined in Article 26 of the Constitution, guaranteeing the right of freedom to every religious denomination to manage their respective religious affairs. Appropriate legal measures should be taken to ensure that all members of the committee entrusted with the management and control of the Bodhgaya Temple, including the Mahabodhi Mahavihara in Bihar, are Buddhists." The Government and even the Ministry for Social Justice turned a blind eye to this.

THE ATROCIOUS NATURE OF BTA 1949 v/s OTHER RELIGIOUS TRUSTS

The BTA came into force from 6th July 1949. In any Act, the preamble or the definition of the Act is very important since it defines the importance and history of the place of worship.

The Bodhgaya Temple Act does not define any relation between the Buddha, his Dhamma or the significance of the Mahabodhi Mahavihara in the Buddha's life or the importance of the Mahavihara, the Bodhi tree or the Vajrasana to the Buddhists.



The Act title itself is atrocious since it calls the Mahabodhi as temple and not as Mahavihara.

According to Section 3 of the BTA, the committee would consist of 9 members. Out of which 4 would be Buddhists, 4 would be Hindus, including Mahant and the Chairman would be the District Collector of Gaya. The second paragraph of this section mentions that the District Collector has to be a Hindu and if he is not a Hindu, the Government should appoint another high-ranking official who is a Hindu.

In 2012 Advocate Vinit Dhanda filed a Public Interest Litigation (PIL) in Delhi High Court challenging Section 3 of the BTA 1949. The High Court directed the Central and State Government to reply within four weeks.

There was no reply from either government, but on 13th August 2013, the Bihar State Government suddenly realized that the Indian Constitution believes in secularism and since the sub-section 3 is prejudicial to secularism, it has to be removed.

Section 10 under "Duties of the Committee", the sub-section (1)(d) states that the committee would not interfere during worship (by Hindus) at temple and 'pindadaan' on the temple land. Buddhism does not believe in such illogical and blind faith and this act is forcefully imposing Hinduism on the Buddhism site.

Section 13 of BTA mentions that "the committee shall have no jurisdiction over the movable or immovable property of the Shaivite monastery whereas under Section 8 (1) & (2) states that the committee has right to transfer or lease the property on sanction by the committee".

Since the majority of the committee members are Hindus, it clearly means that they would have all the controlling powers of the Mahabodhi Mahavihara, but the committee has no right over the property of the illegal occupant in the Mahavihara complex, the Mahant.

Article 26 of the Indian Constitution guarantees each individual to establish and maintain institutions for religious and charitable purposes and to manage in its own way all affairs in matters of religion.

Does the BTA 1949 follow the fundamental rights as mentioned in the Indian Constitution. What do the other religious temples Act say?

What do the Act of various temples in India say? Are they changed if any anomalies are found in the Act? Does the State Government step in to amend the Act? Let's find out

Shri Jagannath Temple Act, 1955, Puri, Orissa in its definition clearly states about the rich Hindu tradition and history of Sri Jagannath Temple.

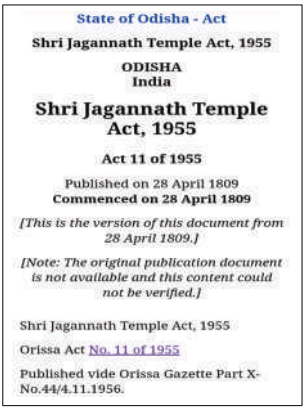
Section 6(2) of the above act clearly mentions that all members of the committee would be Hindu.

Section 6(3) mentions that if the appointed Government Official is a non-Hindu, the Government should replace him with a Hindu official.

Section 7(1) states that the Chairman of the committee by default would be the royal descendant of erstwhile King of Puri; however, if the present king is underage or physically or mentally challenged, then another high-ranking Hindu person should be appointed.

The above Act clearly states that all the members of the Jagannath Temple would be Hindu including the Government officials.

It is noteworthy to mention that the Jagannath Temple Act came into existence 6 years after the Bodhgaya Temple Act.



State of Odisha - Act

Shri Jagannath Temple Act, 1955

ODISHA
India

Shri Jagannath Temple Act, 1955

Act 11 of 1955

Published on 28 April 1809
Commenced on 28 April 1809

[This is the version of this document from 28 April 1809.]

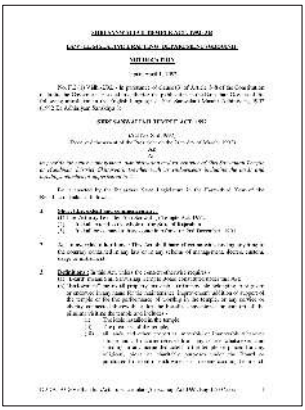
[Note: The original publication document is not available and this content could not be verified.]

Shri Jagannath Temple Act, 1955

Orissa Act No. 11 of 1955

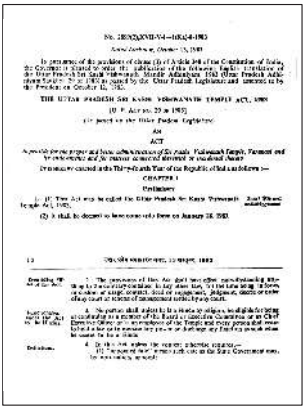
Published vide Orissa Gazette Part X-No.44/4.11.1956.

Shri Sanwalijai Temple Act, 1992, Rajasthan in Section 6(2)(a) and (b) clearly states that the 8 members which the State Government appoints should have 5 Hindus and that too they should be Vaishnavite (followers of Vishnu). This means that all the members of Shree Sanwaliaji Temple are Hindus and predominantly Vaishnavite.



The Uttar Pradesh Sri Kashi Vishwanath Temple Act, 1983 clearly states in Section 3 "No person shall, unless he is a Hindu by religion, be eligible for being or continue as a member of the Board or Executive Committee or as Chief Executive Officer or as an employee of the Temple and every person shall cease to hold office or exercise any power or discharge any functions as such when he ceases to be a Hindu."

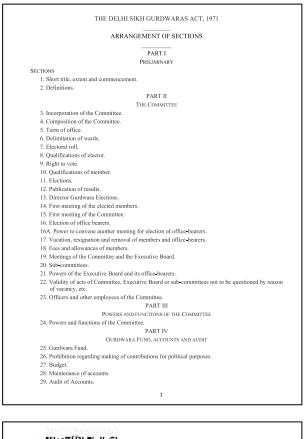
This clearly means that every appointed member has to a Hindu.



Section 6 (3) states – "where a member of the Board cannot perform his duties as such by reason of the fact that he is not a Hindu, the person available next below him in this behalf shall be a member of the Board for the time being." This means that however high-ranking or efficient the Government official is, if he is not a Hindu, he cannot be appointed to the board of Sri Kashi Vishwanath Temple.

Section 14 (a) on duties of the Board states – "to arrange for due and proper performance of worship, service and rituals, daily or periodical, general or special, of Sri Kashi Vishwanath and other deities in the Temple, ceremonies and other religious observances in accordance with the Hindu Shastras and scriptures and usage."

Section 19 (3) about Executive Committee states – "where a member of the Executive Committee cannot perform his duties as such by reason of the fact that he is not a Hindu, the person available next below him (who is a Hindu) in this behalf, shall serve on the Committee."



THE DELHI SIKH GURDWARAS ACT, 1971

ARRANGEMENT OF SECTIONS

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24. Powers and functions of the Committee.

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25. Gurdwara Fund.
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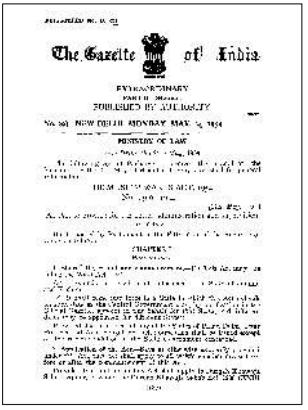
1

It should also be brought to the notice that the Kashi Vishwanath Temple Act came into existence 34 years after the Bodhgaya Temple Act.

The Delhi Sikh Gurudwara Act 1971 states in Section 3 that all members of the committee should be Sikh by religion. This section further defines Sikh as one who believes in Sikh religion, has faith in Shri Guru Grantha Sahib and follows the advice of ten gurus and does not believe in any other religion. The member has to submit a written affidavit in this regard.

The Waqf Act 1995 states in Section 14 (a) that the Chairperson should either be a (i) Muslim member of Parliament or a (ii) Muslim member of State Legislative or a (iii) Muslim member of Bar Council.



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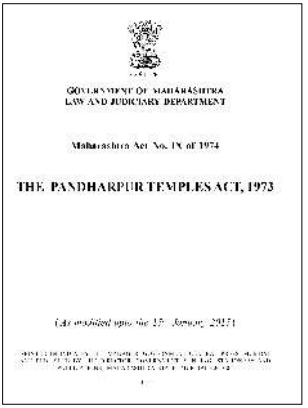
CHAPTER

Section 14 (c, d, e) mention that all members should be Muslim.

Section 14 (2) states that if there are no Muslims in categories as (i), (ii) and (iii), the ex-Muslim Members of Parliament, the State Legislature or state Bar Council should be appointed.

It clearly means that by all means, the members of Waqf Board should be only Muslims.

The above are just a representative of various religious places. One can observe that each religious place is managed by the people of their own religion. No religious institute of one religion allows any person from other religion to be a member of that committee. Then why does Bodhgaya Mahabodhi Mahavihara have Hindus in their committee? Isn't it the injustice against Buddhists of the world? Can the Bodhgaya Temple Act 1949 be rectified or changed?



GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

Maharashtra Act No. IX of 1974

THE PANDHARPUR TEMPLES ACT, 1973

Let us look at some of the temples in India whose Act has been changed.

The Pandharpur Temples Act 1973 is a well-known temple of Vitthal – Rakhumai based in Maharashtra. The Act was enacted by the state of Maharashtra to regulate the administration and management of the temples. It aimed to abolish the rights and privileges of priestly classes and establish state control over the temples and their endowments.

The Act faced legal challenges from the priestly classes who had previously held hereditary rights and privileges. It is well known that the Pandharpur temples were controlled by the Badves, Utpats, Sevadharis, Kolis, Benaris, Dange, Dingre, Diwate,

Hardas, Kshetropadhye, Pujaris and Paricharaks who had absolute right and control over various daily functions. This Act is designed "to abolish all their hereditary rights and privileges….and in no case demand, solice or receive or accept any dakshinas…"

The Bombay High Court and the Supreme Court have upheld the provisions of the Act, confirming its validity and legality.

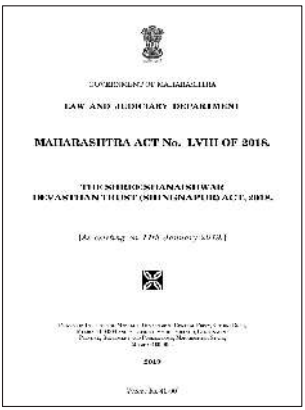
However, some of the sections of the Act are worth looking into.

Section 22 (h) of this Act clearly states that a person can be disqualified from the committee "if he does not profess the Hindu religion". In a way, all members should be only HINDUS.

Section 34 (1) of this Act, on appointment of Executive Officer states that apart from being in active service in State Government, the "person should profess the Hindu religion and who is a devotee of God Vithal and Goddess Rukmini and has to accordingly make a declaration".

If a Hindu faith temple has a committee consisting of ONLY HINDUS, then why is the Mahabodhi Mahavihar controlled by HINDUS and NOT BUDDHISTS?

If an Act for Pandharpur can be amended, then why not the Act for Mahabodhi Mahavihara be amended? If the badves, utpats, etc can be removed by changing the Act of Pandharpur temple, then why the HINDU MAHANTS can't be removed from the Mahabodhi Mahavihara by changing the Act?



LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA ACT No. LVIII OF 2018.

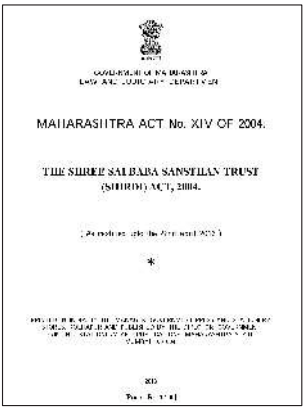
THE SHRI SHANAISHWAR DEVASTHAN TRUST (SHINGNAPUR) ACT, 2018.

Shani Shingnapur, Newasa taluka of Ahmednagar district, Maharashtra is another place of faith for the Hindus. An Act to re-constitute a public trust became a **Shree Shanaishwar Devasthan Trusts (Shingnapur) Act in 2018.**

The preamble of this Act states that "complaints have been received by the State Government regarding irregular management of the previous Board……..it is expedient to enact a separate law to re-constitute the Trust and to provide for the management by a committee…"

Section 5(2) of this Act states that the committee will have 11 members; out of which the Chairman, Vice Chairman and Treasurer would be Govt. appointee.

Section 8(1) (b) states that "a person to be appointed as a member of the committee should be a devotee of Shree Shanaishwar of Newasa and he has to make such a declaration in a prescribed form".



MAHARASHTRA ACT No. XIV OF 2004.

THE SHREE SAI BABA SANSTHAN TRUST (SHIRDI) ACT, 2004.

The Shree Saibaba Sansthan Trust (Shirdi) Act 2004 came into force from 23rd August 2004. In Section 8 (b), it states that a person to be appointed as a member of the committee "should be a devotee of Shree Sai Baba and shall, prior to his appointment make such a declaration in the prescribed form".

Section 13 (2) of this Act states that "The Executive Officer may be selected from amongst the officers not below the rank of Deputy Collector provided that such officer shall be a devotee of Shree Sai Baba and shall make such declaration in the prescribed form".

Article 25 to 28 of the Indian Constitution gives one a right to practice, propagate, worship, manage, promote and help financially to the religion that one desires. i.e. it gives me absolute right to manage my own religious institutions.

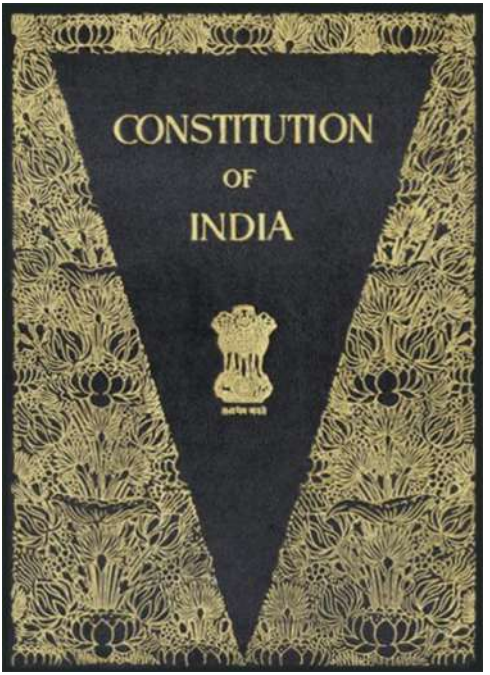
The examples that are given above are of religious places / institutions in India and as mentioned in their Act, all the members of the committee, by rule, should be essentially belonging to the prescribed religion. Then the question arises, why only in Bodhgaya Mahabodhi Mahavihara, we have a committee having majority of Hindus rather than Buddhists? Isn't it unfair, biased and atrocious? There are examples where rules or Acts are changed to present situation, then why can't Bodh Gaya Temple Act 1949 change? Personally, there is nothing against any religion, but it hurts sentiments when one religion tries to dominate over other religion even after knowing the facts.

The Shri Shanaishwar Devasthan Trust (Shingnapur) Act 2018 was changed. As stated in the affidavit – The Chief Minister's office had received complaints alleging irregularities and mismanagement by previous board members of the temple trust.

Section 5(2) of this Act states that the committee would comprise of 11 members out of which the Chairman, Vice Chairman and Treasurer would be Govt. appointed.

Section 8(1)(b) states that "a person to be appointed as a member of the committee should be a devotee of Shri Shanaishwar of Newasa and has to provide a written affidavit"

There are examples where the temples Act have been changed since the situation demanded; however, what stops the Government from changing the atrocious Bodhgaya Temple Act 1949?



Is the BTA 1949 in Accordance With the Constitution

CAN THE MAHABODHI MAHAVIHARA ACT BE CHANGED?

Various religious site acts have been changed according to circumstances. Amendments were made to the 'Pandharpur Temple Act 1973' in Maharashtra. In this famous temple of Pandharpur, the behavior of the local bigwigs, service holders, Koli, Servants, Benari, Dange, Dingre, Diwate, Hardas, Kshetrapati, priests, and caretakers was very arbitrary. The temple's treasury was in their hands, and all the devotees were troubled by their arrogance. All the rituals from morning to night were under their control. Therefore, the Maharashtra government amended this act and ordered that all the rights that these individuals had as custodians be revoked, and a new committee be appointed to manage the temple.

In Maharashtra, another temple, Shri Shanishwar Devasthan Trust (Shinganapur), faced a lack of administration and numerous complaints were received, prompting the government to order the dismissal of the current committee and to establish new rules and a new committee for the management of the temple. The examples given above indicate that every religious place's committee selects members from its own faith. Moreover, to be appointed to a committee of government officials, they require a declaration of faith in their religion. Each religious site promotes its own faith. Under Indian law, no one from a different religion can encroach upon a religious site of another faith. A person from any religion cannot worship their own faith at someone else's religious site.

The examples given above indicate that every religious place's committee selects members from its own faith. Moreover, if any Government Official is to be appointed to the said committee, they are required to submit a written declaration that they have faith in that religion.

Each religious site promotes its own faith. Under Indian law, no one from a different religion can encroach upon a religious site of another faith. A person from any religion cannot worship their own faith at someone else's religious site

There is nothing wrong in this. The Indian Constitution grants every Indian citizen the right to propagate, spread, and practice their religion. It is important that since Mahabodhi Mahavihara is historically and archaeological a Buddhist site, the committee of Mahavihara should also be of Buddhists. This site was never originally a site for Hindus in any way. Nevertheless, Hindus have occupied the Mahabodhi Mahavihar. What business do Hindus have in the premises and committee of Mahabodhi Mahavihar? If the acts of other temples can be changed, then why can't the act of Mahabodhi Mahavihar be changed?

If a Hindu temple, Muslim Waqf or the Sikh Gurudwara committee, by law, has to be constituted only of the Hindus, Muslims and Sikhs respectively, then why can't a Buddhist temple committee be constituted only of the Buddhists?

If the Acts of Pandharpur and Shanaishwar temples can be changed to remove the priestly class privileges and prevent irregularities, then why can't the BTA be changed to remove the non-Buddhists from the committee?

Every person has a right to follow the religion of his choice, promote and propagate that religion. Every religious worship place is managed by its own committee comprising of people from its own faith. There is nothing wrong with it. The pertinent question is if this is true and applicable to all the places of worship, then why is only the Bodhgaya temple singled out? Why is this atrocity against the Buddhists?

There are examples where the temples Act have been changed since the situation demanded; however, what stops the Government from changing the atrocious Bodhgaya Temple Act 1949?

For the last 132 years, the Buddhists have been legally fighting the cause for complete control of the Mahabodhi Mahavihara, which archaeologically and historically is proven to be a worshipful place of the Buddhists.

Let us support the cause "Repeal the BTA 1949" and ensure a new Act which will have a committee only of the Buddhists. Let the entire Mahabodhi Mahavihara Complex be worshipped only as per the Buddhist traditions.

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REFERENCES

- Barua Benimadhabh: *Gaya and Buddhagaya*; Indian Research Institute Publication, 1934
- Cunningham Alexander: *Four Reports Made During the Years 1862-63-64,* Vol.1
- Cunningham Alexander: *Mahabodhi or The Great Buddha Temple Under the Bodhi Tree at Bodhgaya;* 1892
- Dhammapal Anagarika: *My Life Story*, Anagarika Dhammapala's Life in his own words, Sarasavi Publishers, reprint 2013
- Dhammapal Anagarika: *The Budh-Gaya Temple Case*: H. Dharmapala versus Jaipal Giri and others, 1895
- Mitra Rajendralal: *Buddhagaya, The Hermitage of Sakya Muni*; 1878
- Shravasti Dhammika: *Middle Land, Middle Way*: A Pilgrim's Guide to Buddha's India
- *The Uttar Pradesh Sri Kashi Vishwanath Temple Act, 1983*; Uttar Pradesh Gazette.
- *Shri Sanwaliaji Temple Act, 1992*; Rajasthan Gazette.
- *The Shree Shanaishwar Devasthan Trust (Shingnapur) Act, 2018*; Maharashtra Gazette.
- *The Shree Sai Baba Sansthan Trust (Shirdi) Act, 2004*; Maharashtra Gazette.
- *The Pandharpur Temples Act, 1973*; Maharashtra Gazette.
- *The Muslim Wakfs Act, 1954*; The Gazette of India.
- *Shri Jagannath Temple Act, 1955*; Orissa Gazette.
- *The Delhi Sikh Gurdwaras Act, 1971*; Gazette of India.
- *The Bodhgaya Temple Act, 1949*; Bihar Gazette.

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